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11	Attorneys for Defendant UNITED STATES FIDELITY AND GUARANTY COMPANY			
12	UNITED STATE DISTRICT COURT			
13	THE NORTHERN DISTRICT OF CALIFORNIA			
14	HOME DEPOT U.S.A., INC.,	No. 08-02713 SC		
15	Plaintiff, vs.	(AMENDED) STIPULATION AND [PROPOSED] ORDER TO EXTEND DEADLINE TO CONDUCT EARLY		
16	UNITED STATES FIDELITY and	NEUTRAL EVALUATION		
17	GUARANTY COMPANY, TRAVELERS INSURANCE COMPANY, and DOES 1			
18	through 10, inclusive, Defendants.			
19 20	Dursuant to Civil I. P. 6.2 and 16.10(a) and ADD I. P. 5.5 and for the reasons set forth in			
21	Pursuant to Civil L.R. 6-2 and 16-10(c) and ADR L.R. 5-5, and for the reasons set forth in the accompanying Declaration of Counsel, Plaintiff Home Depot U.S.A., Inc. ("Plaintiff") and			
22	Defendant United States Fidelity and Guaranty Company ("Defendant") stipulate that the deadline			
23	for them to conduct an early neutral evaluation ("ENE") should be extended until February 1,			
24	2009. The parties further stipulate that:			
25	1. On September 5, 2008, this Court referred this case to ENE and ordered the parties			
26	to conduct the session by December 3, 2008;			
	-1-			
	STIPULATION & ORDER	R TO EXTEND ENE DEADLINE		

Case No. 08-02713 SC

Jenkins Goodman Neuman & Hamilton LLP 417 Montgomery St. 10th Floor San Francisco, CA 94104 (415) 705-0400

Case 3:08-cv-02713-SC Document 19 Filed 11/13/08 Page 2 of 3

- 1			
1	2.	On October 23, 2008, C	Christopher Johns, the early neutral evaluator, Plaintiff, and
2	Defendant, agreed that extending the deadline to conduct ENE would give Plaintiff and Defendant		
3	the opportunity to more meaningfully prepare for and participate in the session.		
4	3.	An ENE has been sched	luled for January 6, 2009.
5	4.	There have been no prev	vious time modifications in this case.
6	5.	Extending the deadline	to conduct the ENE will not affect the other events in the
7	Court's September 5, 2008 order scheduling trial and pre-trial matters.		
8	DATED: N	ovember 10, 2008	MORISON ANSA HOLDEN ASSUNCAO & PROUGH, LLP
9			,
10			By: /s/
11			MARC J. DEREWETZKY Attorneys for Defendant
12			UNITED STATES FIDELITY AND
13			GUARANTY COMPANY
14	DATED: N	ovember 10, 2008	JENKINS GOODMAN NEUMAN
15			& HAMILTON LLP
16			
17			By: /s/ JOSHUA S. GOODMAN
18			PAIGE P. YEH Attorneys for Plaintiff
19			HOME DEPOT U.S.A., INC.
20			
21		[I	PROPOSED] ORDER
22	 PURSUAN	T TO STIPULATION,	
23	IT IS SO O		OS DISTRIC
24	 DATED: N	ovember <u>12</u> , 2008	Selection of the select
25			IT IS SO ORDERED
26			UNITED STARY Judge Samuel Conti
20			-2-
	STIPULATION & ORDER TO EXTEND ENE DEADLINE		

Case No. 08-02713 SC

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	1	DECLARATION OF COUNSEL		
	2	I, Joshua S. Goodman, declare as follows:		
	3	1. I am a partner in the law firm of Jenkins Goodman Neuman & Hamilton, LLP,		
	4	attorneys of record herein for Plaintiff. I am familiar with the events below either through my own		
	5	personal experience or from my review of case documents provided to me and attached hereto.		
	6	Therefore, I am able to competently testify to the following.		
	7	2. On September 5, 2008, this Court referred this case to ENE and ordered the parties		
	8	to conduct the session by December 3, 2008;		
	9	3. On October 23, 2008, Christopher Johns, the early neutral evaluator, Plaintiff, and		
	10	Defendant, agreed that extending the deadline to conduct ENE would give Plaintiff and Defendant		
	11	the opportunity to more meaningfully prepare for and participate in the session.		
	12	4. An ENE has been scheduled for January 6, 2008.		
	13	5. There have been no previous time modifications in this case.		
	14	6. Extending the deadline to conduct the ENE will not affect the other events in the		
	15	Court's September 5, 2008 order scheduling trial and pre-trial matters.		
	16	7. I obtained the concurrence of Defendant's counsel, Marc J. Derewetzky, in the		
	17	filing of this document. I will maintain records to show this concurrence for subsequent		
	18	production for the Court if so ordered or for inspection upon request by a party until one year after		
	19	final resolution of this action (including appeal, if any).		
	20	DATED: November 10, 2008		
	21	lal		
	22	JOSHUA S. GOODMAN		
	23			
Jenkins Goodman	24			
Neuman & Hamilton LLP 417 Montgomery St. 10 th Floor	25			
San Francisco, CA 94104 (415) 705-0400	26			
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